IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO.24975 of 2004

Between:

G. Rama Rao,
S/o. Late Hanumantharao,
R/o. 2-3-35/A/2, Shankarnagar Colony,
Amberpet, Hyderbad.

..... PETITIONER

AND

1. The General Manager, (Operations), State Bank Of Hyderabad,

Head Office, Gunfoundry, Hyderabad.
2. The Regional Manager, State Bank Of Hyderabad, Region-I
   Varakantham Complex, Kachiguda X Road, Hyderabad.
3. The Authorised Officer, State Bank Of Hyderabad,
   Ramnagar Branch, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of a Writ of

Mandamus to declare, (i) the action of the 3rd respondent in issuing the impugned order Notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets an Enforcement of Security Interest Ordinance 2002 is null and void or set aside the same. ii) Deductions made by the 2nd respondent from the contribution of P.F. is irregular and not as per the regulations of terms loan granted for house construction and consequently set aside the same and the 2nd respondent may be directed to adjust the P.F. Balance at the petitioners credit of Rs.2,81,763/- to housing loan entirely and recast the housing loan dues. iii) Non granting of reasonable time by the 3rd respondent is irregular, illegal and the 3rd respondent may be directed to grant time upto March 2006 for the repayment of balance of housing loan.

Counsel for the Petitioner : MR. P.V.VENKATESWARA RAO

Counsel for the Respondents : Standing Counsel for S.B.H.

The Court made the following :

W.P.No.24975 of 2004

HCJ & MNR,J

ORDER: (Per Hon'ble the Chief Justice)

In case the petitioner is aggrieved by any action of the respondents invoking the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, he has to avail of the remedy of preferring an appeal. Writ Petition is not maintainable. With leave and liberty reserved to the petitioner to avail the remedy of appeal under the provisions of the said Act, the writ petition is dismissed.

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DEVINDER GUPTA, C.J.

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M.NARAYANA REDDY,J

31-12-2004

bsc

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The General Manager, (Operations), State Bank Of Hyderabad,

Head Office, Gunfoundry, Hyderabad.
2. The Regional Manager, State Bank Of Hyderabad, Region-I
   Varakantham Complex, Kachiguda X Road, Hyderabad.
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